

EXHIBIT 2

James Darren Williams

11/16/2022

1 UNITED STATE DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 HOTHMAN MISANE, TYLER

6 SLEEP and JEROL WILLIAMS,

7 Plaintiffs,

8 -vs-

No. 1:21-cv-004787

9

Hon. Hal Y. Jarbou

10 CITY OF BANGOR, TOMMY

11 SIMPSON, MAYOR DARREN

12 WILLIAMS and SCOTT GRAHAM,

13 Defendants.

14 _____/

15

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18 The Remote Deposition of JAMES DARREN WILLIAMS,

19 Taken at via Hanson Remote,

20 Commencing at 10:03 a.m.,

21 Wednesday, November 16, 2022,

22 Before Lucy Capobianco CSR 3061.

23

24

25

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1 Via Remote

2 Wednesday, November 16, 2022

3 About 10:03 a.m.

4 JAMES DARREN WILLIAMS,

5 having first been duly sworn, was examined and

6 testified on his oath as follows:

7 EXAMINATION BY MS. MALHIOT:

8 Q. Okay. Could you please state your full name for the
9 record?

10 **A. James Darren Williams.**

11 Q. Is there any way you can be a little louder? I can
12 hear you, but it's --

13 **A. James Darren Williams.**

14 Q. All right. Thank you. Mr. Williams, I'm going to be
15 asking you questions today. I ask that if there's any
16 time that you don't understand a question, please let
17 me know. That when you answer, you say yes and no
18 instead of uh-huh, uh-nuh; and if you need to take a
19 break at any time, you just let me know and we can do
20 that, as long as it's not between a question and an
21 answer, okay?

22 **A. Yes.**

23 Q. All right. Are you taking any medications or do you
24 have any medical conditions that affect your memory or
25 your ability to concentrate today?

1 A. No.

2 Q. Have you ever been deposed before?

3 A. No.

4 Q. Have you ever given sworn testimony before?

5 A. I don't recall.

6 Q. Did you review any documents to prepare for your
7 deposition today?

8 A. Yes.

9 Q. What did you review?

10 A. The -- whatever you guys posted.

11 MR. GILLOOLY: We can't help you with the
12 answers.

13 A. What the attorneys sent out to us, as far as other
14 depositions that were taken.

15 BY MS. MALHOIT:

16 Q. Were they transcripts?

17 A. Yes.

18 Q. Okay. You had -- you reviewed transcripts. What
19 transcripts did you review?

20 A. Hothman Misane, Tyler Sleep, Jerol Williams.

21 Q. Any others?

22 A. No.

23 Q. Did you review the transcript of Tommy Simpson?

24 A. No.

25 Q. Did you review any other documents to prepare for your

1 deposition today?

2 **A. No.**

3 Q. Did you consult with anyone, other than your attorney,
4 to prepare for the deposition today?

5 **A. No.**

6 Q. I just want to briefly go over your background. Where
7 did you attend high school?

8 **A. Bangor.**

9 Q. And did you graduate?

10 **A. No.**

11 Q. Did you ever obtain a GED or graduate in any other way?

12 **A. No.**

13 Q. Do you have any sort of formal education since high
14 school?

15 **A. No.**

16 Q. Do you have any professional licenses or certificates?

17 **A. Renovations.**

18 Q. All right. What licenses or certificates do you have
19 for renovations?

20 **A. Lead-based paint.**

21 Q. Okay. Anything else?

22 **A. Just a contractor's license.**

23 Q. Anything else?

24 **A. Nope.**

25 Q. All right. Have you been convicted of any crime

1 involving theft or dishonesty within the last ten
2 years?

3 **A. No.**

4 Q. Have you been convicted of any other crime within the
5 last ten years?

6 MR. GILLOOLY: Objection, relevance. You can
7 answer over my objection. Go ahead and answer.

8 **A. No.**

9 BY MS. MALHIOT:

10 Q. All right. Have you been charged with a crime
11 involving theft or dishonesty within the last ten
12 years?

13 **A. That -- no.**

14 Q. No, okay.

15 Have you been convicted of a crime involving
16 theft or dishonesty ever? It could be more than ten
17 years ago.

18 MR. GILLOOLY: Objection, relevance. It's
19 clearly out of bounds. The court rule is clear. Only
20 ten year convictions.

21 Counsel, what's the rationale for that,
22 please?

23 MS. MALHIOT: I can ask, even if it isn't
24 admissible at trial, but it's something I'm allowed to
25 ask in the discovery stage.

1 MR. GILLOOLY: I object on the grounds that
2 it will not lead to the discovery of admissible
3 evidence, especially since it's barred. You can
4 answer. It's argumentative as well. It's out of
5 bounds, Counsel, and you know it, quite frankly. Go
6 ahead and answer the question about dishonesty.

7 **A. Yes.**

8 BY MS. MALHIOT:

9 Q. Yes, okay.

10 I don't need details, but can you tell me the
11 year?

12 **A. I don't recall.**

13 Q. Huh?

14 **A. I don't recall.**

15 Q. You don't recall.

16 All right. What year did you stop attending
17 high school?

18 **A. '97.**

19 Q. Okay. Did you start working after high school?

20 **A. Yes.**

21 Q. Where did you start working?

22 **A. Townsend Tree Service.**

23 Q. What did you do there?

24 **A. Trimmed trees.**

25 Q. All right. And how long were you with Townsend Tree

1 Service?

2 **A. Five years.**

3 Q. All right. Where did you work after Townsend Tree
4 Service?

5 **A. Trees, Inc.**

6 Q. All right. And how long were you there?

7 **A. I believe a year and a half.**

8 Q. Were you also trimming trees there?

9 **A. Yes.**

10 Q. All right. Where did you work after that?

11 **A. Asplundh Tree Expert Company.**

12 Q. How long were you there?

13 **A. Until 2005.**

14 Q. And did you trim trees there as well?

15 **A. Yes.**

16 Q. What did you do after that? What was your next --
17 yeah, what was your next job after that?

18 **A. Townsend Tree Service.**

19 Q. All right. How long were you there?

20 **A. Two years.**

21 Q. Did you trim trees there as well?

22 **A. I was a general foreman.**

23 Q. All right. So about what year -- would that have been
24 around 2007 that you left Townsend Tree Service?

25 **A. Yes.**

1 Q. Okay. What did you do after that?

2 A. I owned my own company.

3 Q. What kind of company?

4 A. All Seasons Tree Service.

5 Q. Was it a tree-trimming company?

6 A. Yes.

7 Q. Is that still in operation?

8 A. No.

9 Q. When did it cease operating?

10 A. 2011.

11 Q. During the time that that company was operating, about
12 how many employees did it have?

13 A. Five. They were subcontractors.

14 Q. So five employees plus subcontractors or five
15 subcontractors?

16 A. Subcontractors, yes.

17 Q. Yes, the five people were subcontractors?

18 A. Yes.

19 Q. Okay. All right. And why did that close in 2011?

20 A. Moved to Michigan.

21 Q. Oh, where was All Seasons Tree Service located?

22 A. Southern Indiana.

23 Q. Okay. What did you do when you moved to Michigan in
24 2011?

25 A. I went to work for 4 Seasons Tree Service.

1 Q. All right. And what did you do for 4 Seasons Tree
2 Service?

3 A. General manager.

4 Q. And how long were you there?

5 A. Still current.

6 Q. And you started there in 2011?

7 A. Yes.

8 Q. Have you worked there consistently from 2011 until now?

9 A. Yes.

10 Q. Are you still the general manager?

11 A. Yes.

12 Q. Okay. Have you had any other employment since 1997
13 that we haven't discussed?

14 A. Yes.

15 Q. All right. What was your other employment?

16 A. American Eagle Home Improvement.

17 Q. When did you work there?

18 A. What's that?

19 Q. When did you work there?

20 A. Still working there. I started in 2017.

21 Q. And what do you do there?

22 A. I own a construction company.

23 Q. Do you own American Eagle Home Improvement?

24 A. Yes.

25 Q. Is it residential construction?

1 **A. Residential and commercial.**

2 Q. Okay. How many people work for American Eagle Home
3 Improvement?

4 **A. 13.**

5 Q. Any other employment since 1997?

6 **A. Yes.**

7 Q. Okay. What's that?

8 **A. American Eagle Freight.**

9 Q. All right. What is American Eagle Freight?

10 **A. A trucking company.**

11 Q. All right. When did you work there?

12 **A. I own it.**

13 Q. All right. When did you -- when did it start?

14 **A. 2018.**

15 Q. And is it still in operation?

16 **A. Yes.**

17 Q. All right. Any other employment since 1997?

18 **A. Yes, City of Bangor.**

19 Q. All right. And when did you first start working for
20 the City of Bangor?

21 **A. 2019.**

22 Q. All right. What was your role when you started in
23 2019?

24 **A. Mayor.**

25 Q. How did you become the mayor of the City of Bangor?

- 1 **A.** **Campaigned door to door.**
- 2 **Q.** Did you have any political experience before that?
- 3 **A.** **No.**
- 4 **Q.** Did you have an opponent?
- 5 **A.** **Yes.**
- 6 **Q.** And presumably you won the election, correct?
- 7 **A.** **Yes.**
- 8 **Q.** Was the election itself in 2018 or 2019?
- 9 **A.** **It possibly could have been 2018.**
- 10 **Q.** Okay. And you became mayor in 2019?
- 11 **A.** **No, it would have been '18.**
- 12 **Q.** You became mayor in 2018?
- 13 **A.** **Yes.**
- 14 **Q.** Have you held any other positions within the City of
- 15 Bangor for the city?
- 16 **A.** **No.**
- 17 **Q.** How long were you the mayor of the City of Bangor?
- 18 **A.** **Three years and four months.**
- 19 **Q.** How long is a mayoral term for the City of Bangor?
- 20 **A.** **Three years.**
- 21 **Q.** Okay. So why were you mayor for three years and
- 22 four months?
- 23 **A.** **I got re-elected.**
- 24 **Q.** Okay. Are you still the mayor?
- 25 **A.** **No.**

- 1 Q. Okay. Why are you no longer the mayor?
- 2 A. **Resigned.**
- 3 Q. Why did you resign?
- 4 A. **Due to construction increases.**
- 5 Q. All right. And when did you resign?
- 6 A. **I don't recall the exact day.**
- 7 Q. Were the construction increases the only reason that
- 8 you left your position as the mayor?
- 9 A. **Yes.**
- 10 Q. What were your job responsibilities as the mayor of the
- 11 City of Bangor?
- 12 A. **To make sure policies are being followed.**
- 13 Q. Anything else?
- 14 A. **Nope, that's it.**
- 15 Q. Would you hire city employees?
- 16 A. **No.**
- 17 Q. Could you fire city employees?
- 18 A. **No.**
- 19 Q. Did you have any sort of authority to create laws or
- 20 rules for the city?
- 21 A. **No.**
- 22 Q. Could you discipline employees?
- 23 A. **No.**
- 24 Q. What did you do to make sure policies were being
- 25 followed?

1 **A.** I checked in with the department heads and talked to
2 **employees.**

3 Q. Okay. And what could you do if it seemed like policies
4 weren't being followed?

5 **A.** Go directly to the department head, let them know my
6 **concerns.**

7 Q. Anything else?

8 **A.** Nope.

9 Q. Did you have any sort of decision-making authority?

10 **A.** I don't recall.

11 Q. Could you make recommendations?

12 **A.** I can give my input on it, but.

13 Q. What kind of involvement did you have in personnel
14 issues, issues with employees?

15 **A.** Repeat the question.

16 Q. What kind of involvement, as mayor, did you have with
17 personnel issues, issues involving employees?

18 **A.** None that I recall.

19 Q. Were you ever responsible for handling employee
20 disputes?

21 **A.** No.

22 Q. What about employee complaints?

23 **A.** If they brought it to my attention, yes.

24 Q. Okay. What kind of complaints could you address or did
25 you address as mayor?

1 A. I need a little bit more than that.

2 Q. Sure. I asked if you could be involved if an employee
3 brought a complaint to your attention. I want to know
4 times when that happened. Can you think of some
5 examples when somebody came to you with a complaint and
6 how you responded?

7 A. Well, yeah, citizens complained about people not -- not
8 being able to get ahold of the police department, not
9 being able -- they're not answering phone calls, such
10 as that.

11 Q. Okay. And what did you do about it?

12 A. I talked with the police chief and the manager at the
13 time.

14 Q. Okay. Can you think of any times that employees
15 brought complaints to you, not as citizens, but as
16 employees of the city?

17 A. Yes.

18 Q. Okay. What times are those?

19 A. Amanda Karr.

20 Q. Okay. What did Amanda Karr complain about?

21 A. Sexual harassment due to Tommy Simpson.

22 Q. And what did you do with -- about her complaint?

23 A. I went and talked to her, asked her what her complaint
24 was. She informed me what her complaint was, and I
25 told her that I would talk with the city attorney about

1 it. She said she didn't want nothing to happen with
2 the complaint.

3 Q. Did you talk to the city attorney about it?

4 A. Yes.

5 Q. Were you involved in her complaint any more beyond
6 that, after talking to the city attorney?

7 A. No.

8 Q. Can you think of any other instances where employees
9 brought complaints to you as the mayor?

10 A. I don't recall.

11 Q. Okay. And I'm not trying to trick you. If you think
12 of something later, feel free to go back.

13 A. Yeah, that's fine.

14 Q. Can you think of a time when Hothman Misane brought a
15 complaint to your attention while you were the mayor?

16 A. Yes.

17 Q. Okay.

18 A. I called him in for a termination due to a sexual -- or
19 a CSC case in Van Buren County that he lost evidence
20 of, and brought him in to terminate him because the
21 case was lost, and the prosecutor said he had no -- no
22 more credibility in their courts, and said if they lose
23 the case, it would be all due to lack of Bangor's
24 evidence. I said, well --

25 Q. We'll talk about that more later. I just want to focus

1 right now on times employees complained to you.

2 A. That was just after he was terminated.

3 Q. Okay. He complained to you at that time?

4 A. Yes.

5 Q. Can you think of any other times that an employee
6 brought a complaint to you as the mayor?

7 A. Jerol Williams brought a complaint to me.

8 Q. Okay.

9 A. Against Tommy Simpson.

10 Q. Okay.

11 A. And I can't recall the whole -- the whole thing, but it
12 was due to cemetery stuff him and Amanda Karr was
13 looking at, and Tommy Simpson, the manager, came in,
14 and said, don't be flirting with the staff, and he
15 brought that complaint to me.

16 And I asked him, how would you like me to
17 proceed with it?

18 He said, well, nothing. I turned it over to
19 the Lord.

20 Q. Okay. Any other complaints that you can recall
21 employees bringing to you while you were the mayor of
22 the city?

23 A. Tyler Sleep.

24 Q. Okay. What was Sleep's complaint?

25 A. Sexual harassment with Tommy Simpson.

1 Q. Any other complaints that you can recall employees
2 bringing to you while you were the mayor?

3 A. Blankenship.

4 Q. All right. And what was that complaint?

5 A. Sexual harassment, Tommy Simpson.

6 Q. Okay. Any other complaints?

7 A. I don't recall.

8 Q. As the mayor, what kind of involvement did you have in
9 the city's police department?

10 A. As the mayor?

11 Q. Yes.

12 A. Just making sure they did -- followed their policies
13 and procedures.

14 Q. What about the prosecutor's office?

15 A. None.

16 Q. Where did you learn about the various departments'
17 policies and procedures so that you could make sure
18 they were being followed?

19 A. The policy manuals.

20 Q. Okay. Did each department have its own policy manual?

21 A. Yes.

22 Q. Okay. So did you review all of those so that you'd be
23 able to enforce the policies?

24 A. Yeah, I looked through them all, tried to study them as
25 best I could.

- 1 Q. Do you know the plaintiff in this case, Mr. Misane?
- 2 You mentioned him already, so I assume you do.
- 3 **A. Repeat.**
- 4 Q. Do you know the plaintiff, Mr. Misane?
- 5 **A. Yes.**
- 6 Q. All right. When did you first meet him?
- 7 **A. I don't recall the exact time.**
- 8 Q. Did you know him before you became the mayor?
- 9 **A. Yes.**
- 10 Q. Was he a police officer while you were a citizen before
- 11 you were the mayor?
- 12 **A. I believe he just got hired, if not shortly before.**
- 13 Q. Okay. Did you know him while you were campaigning?
- 14 **A. Yes.**
- 15 Q. Do you remember how you met him?
- 16 **A. Tommy Simpson brought him to the house.**
- 17 Q. Your house?
- 18 **A. Yes.**
- 19 Q. Now, how did you know Tommy Simpson?
- 20 **A. Born and raised with him.**
- 21 Q. Okay. It's because you're both from the city of
- 22 Bangor?
- 23 **A. Yes.**
- 24 Q. Are you and Tommy around the same age?
- 25 **A. I'm a couple years older, I believe.**

1 Q. Did you go to school together?

2 A. He was a couple years behind me.

3 Q. Would you characterize your relationship with Tommy as
4 friendship?

5 A. Yes.

6 Q. Okay. And before you were mayor, you had a friendship
7 with Tommy Simpson?

8 A. Yes.

9 Q. Did Tommy help you with your campaign?

10 A. Yes.

11 Q. Okay. So at some point, Tommy Simpson brought
12 Mr. Misane over to your house and that's when you first
13 met him?

14 A. Yes.

15 Q. Was this for a party, or an event, or just --

16 A. No.

17 Q. Just to hang out?

18 A. Yeah.

19 Q. Do you recall what you did when he came over to your
20 house?

21 A. We just sat on the couch and talked.

22 Q. What was your impression of him at that time?

23 A. I liked him.

24 Q. Besides that first meeting, did you interact socially
25 with Mr. Misane?

- 1 **A. Yes.**
- 2 Q. How often?
- 3 **A. Quite often.**
- 4 Q. Was Tommy Simpson present for those social
- 5 interactions?
- 6 **A. Not all of them.**
- 7 Q. Some of them?
- 8 **A. Yes.**
- 9 Q. How often? Maybe half? A quarter? Three-quarters?
- 10 **A. I can't recall that.**
- 11 Q. Sometimes Tommy was there, sometimes he wasn't?
- 12 **A. Yes.**
- 13 Q. What kind of things did you and Mr. Misane do?
- 14 **A. Just rode around in the police car, talked. Stopped by**
- 15 **the house, he'd talk to me.**
- 16 Q. Did that continue when you became mayor?
- 17 **A. Yes.**
- 18 Q. Did Mr. Misane help you at all with your campaign?
- 19 **A. No.**
- 20 Q. Okay. What kind of things did you do socially with
- 21 Tommy?
- 22 **A. Went out to eat, go to the casino, bar occasionally.**
- 23 Q. Do you and Tommy still socialize?
- 24 **A. Yes.**
- 25 Q. About the same amount as you did when you met

1 Mr. Misane?

2 **A. Yes.**

3 Q. When was the last time that you recall socializing with

4 Mr. Misane?

5 **A. Before his termination.**

6 Q. How long before his termination?

7 **A. I don't recall.**

8 Q. Did you socialize with Mr. Misane as much as you

9 socialized with Mr. Simpson?

10 **A. No, not as much.**

11 Q. Okay. Did you socialize with Tommy more?

12 **A. Yes.**

13 Q. At some point, were -- while you were mayor, were you

14 aware of Mr. Misane being promoted?

15 **A. Yes.**

16 Q. Were you involved in that promotion?

17 **A. Yes.**

18 Q. What was your involvement?

19 **A. I just gave my intel on what I thought about him being**

20 **an officer.**

21 Q. Who did you give that intel to?

22 **A. To Chief Simpson.**

23 Q. All right. And what did you say? What was your intel?

24 **A. I told him he's a hell of an officer, and he got**

25 **promoted to sergeant.**

1 Q. And what did you base your opinion on that he was a
2 hell of an officer?

3 A. By his traffic stops and how he interacted with the
4 bystander while he had them on a traffic stop.

5 Q. Okay. Were you aware of him being promoted at any
6 other time while you were mayor?

7 A. Yes.

8 Q. When was that?

9 A. I don't recall.

10 Q. Do you recall what the promotion was?

11 A. Chief.

12 Q. Were you involved at all in the decision to promote him
13 to chief?

14 A. Yes.

15 Q. What was your involvement?

16 A. I just told them -- I explained how good of a sergeant
17 he was and how he treated other officers and I think he
18 would be a good candidate to take over as chief.

19 Q. And who did you explain that to?

20 A. Tommy Simpson and the council.

21 Q. Okay. And was your recommendation taken, they promoted
22 him to chief?

23 A. Yes.

24 Q. Were you aware of Tommy Simpson being promoted at all
25 while you were mayor?

1 A. Yes.

2 Q. All right. And what -- do you remember when that was?

3 A. I don't recall.

4 Q. All right. What was the promotion?

5 A. City manager.

6 Q. Were you involved in that decision?

7 A. Yes.

8 Q. And what was your involvement?

9 A. I explained to the council how great of a job he does
10 as chief and how he filled in, as we did not have a
11 manager at the time. Tommy stepped into that position
12 and he was doing a fantastic job.

13 Q. And that council took your recommendation and made him
14 city manager, correct?

15 A. Yes.

16 Q. So you were involved in the decision to promote
17 Mr. Misane to chief. How do you think he did as chief?

18 A. Not good at all.

19 Q. All right. Why do you say that?

20 A. I was getting a lot of complaints about him not
21 answering calls. The officers -- some of the officers
22 didn't like him because he would do something with
23 their schedules, and the council members didn't like
24 him because they couldn't get a hold of him as well,
25 so, yeah.

1 Q. Okay. Anything else that made you think he didn't do a
2 great job as chief?

3 A. No.

4 Q. Okay. What did you do about those issues?

5 A. The problem -- well, there was a contract written up
6 between Chief Simpson and Hothman Misane, if the
7 council or Misane decided to go back as sergeant or
8 deputy chief, it's one of the positions, he would go
9 right back into that position, and the council voted to
10 demote him back to sergeant.

11 Q. Okay. Were you involved in the decision to demote him?

12 A. Yes.

13 Q. What was your involvement?

14 A. The recommendation to the council.

15 Q. Prior to giving that recommendation, did you take any
16 steps to try to enforce policies and correct issues?

17 A. No.

18 Q. So after Mr. Misane was demoted back to sergeant, how
19 did he perform as sergeant?

20 A. Not good at all.

21 Q. All right. Why did you say that?

22 A. He really wasn't -- he was just showing up, pretty
23 much.

24 Q. What does that mean?

25 A. That means coming into work in uniform and just riding

1 around in a squad car.

2 Q. You said before that, you thought he did a good job as
3 sergeant, correct, before he was promoted?

4 A. Absolutely.

5 Q. What changed?

6 A. If you ask me, I don't know. I mean, I don't know if
7 something clicked in his head or something, I don't
8 know.

9 Q. Okay. From what you observed, how was his work
10 different after the demotion?

11 A. Lazy.

12 Q. Lazy, okay.

13 Any other complaints about his work?

14 A. I don't recall.

15 Q. Okay. And you started to talk about it before, when
16 you talked about firing him, but did you at some point
17 become aware of an issue with a CSC case involving Mr.
18 Misane?

19 A. Repeat that question.

20 Q. Yes. At some point did you become aware of issues with
21 a CSC case involving Hothman Misane?

22 A. Yes.

23 Q. When did you become aware of that?

24 A. I don't recall the exact date, but it was like two
25 weeks before his termination.

- 1 Q. All right. How did the issue come to your attention?
- 2 A. Tommy Simpson and Sergeant Weber at the time.
- 3 Q. Okay. What did they tell you?
- 4 A. They told me that the prosecutor has been trying to get
- 5 Sergeant Misane to give her the journal, and he said he
- 6 gave it to her already, and she's been trying to e-mail
- 7 him, call him, that they need this journal, the kid's
- 8 journal for the case, and that he wasn't responding to
- 9 the phone calls and wasn't responding to the e-mails.
- 10 Q. Okay. So what did you do when you heard that?
- 11 A. Went and talked to the prosecutor directly myself.
- 12 Q. Okay.
- 13 A. And that's when she explained to me what was going on
- 14 and how she's tried to get ahold of Misane and
- 15 e-mailing him, letting him know that she needed the
- 16 journals for this case because it would win the case
- 17 and that she can't trust him in the courtroom, so she
- 18 asked to put Sergeant Weber on the trial for the City
- 19 of Bangor Police Department.
- 20 Q. And what did Mr. Misane say when you talked to him
- 21 about it?
- 22 A. He just told me, she's got everything. She's already
- 23 got it all. I don't know what else to do.
- 24 Q. All right. And did you do anything after talking to
- 25 them?

- 1 **A.** Repeat that question.
- 2 **Q.** Did you do anything about the issue after talking to
- 3 them?
- 4 **A.** Yes. Well, after I found out that they lost the
- 5 case -- and their closing arguments was that the City
- 6 of Bangor Police Department is the reason that the case
- 7 was lost. That was the jury. All the jury said that
- 8 Bangor -- that's the reason why the Bangor Police
- 9 Department lost the case, was because lack of evidence.
- 10 And I told the prosecutor when I was in her office if
- 11 they lose the case, I will be firing Hothman Misane.
- 12 **Q.** Do you have the authority to do that?
- 13 **A.** At the time, Manager Simpson was on leave due to the
- 14 Amanda Karr's sexual harassment.
- 15 **Q.** Who put him on leave?
- 16 **A.** Attorney Graham.
- 17 **Q.** Okay. Were you involved in the decision to put Tommy
- 18 Simpson on leave?
- 19 **A.** No.
- 20 **Q.** Okay. So Tommy Simpson was on leave, the city manager.
- 21 Was there an acting city manager because he was on
- 22 leave?
- 23 **A.** Me.
- 24 **Q.** Okay. So at the time, you were acting city manager?
- 25 **A.** Yes.

1 Q. As acting city manager, did you have the authority to
2 fire?

3 A. Yes.

4 Q. Okay. And we previously discussed this, but that's
5 authority you didn't normally have as mayor, correct?

6 A. No.

7 Q. Were you the one who made the decision to fire Misane?

8 A. Yes.

9 Q. Was anyone else involved in the decision?

10 A. No.

11 Q. Is there anyone besides Misane who you made the
12 decision to fire during the time you were mayor or
13 acting city manager?

14 A. Repeat that.

15 Q. Sure. Was there any other city employee you've ever
16 fired?

17 A. No.

18 Q. No. Okay. So Mr. Misane is the only employee for the
19 City of Bangor who you ever decided to fire?

20 A. Yes.

21 Q. How long were you acting city manager?

22 A. A couple months. Maybe three, possibly.

23 Q. Okay. Was Mr. Misane the only one fired during that
24 time or just the only one where you were involved?

25 A. I don't recall.

1 Q. Does the city have a human resources department?

2 A. Yes.

3 Q. Did you consult with them before firing Mr. Misane?

4 A. No.

5 Q. Did you review any sort of handbooks, policies, labor
6 agreements, or anything like that before firing Misane?

7 A. Yes.

8 Q. All right. What all did you review to assist you in
9 making your decision to fire Mr. Misane?

10 A. The evidence policy.

11 Q. What evidence policy?

12 A. Pardon me?

13 Q. What evidence policy did you review?

14 A. For police officers in handling evidence and -- which,
15 actually, in looking at the policy, there was actually
16 evidence laid out that was not properly stored, and
17 that was another indication of why he needs to be
18 terminated because he was the one that handled all
19 evidence.

20 Q. Okay. Are there any other policies you reviewed before
21 firing Mr. Misane?

22 A. No.

23 Q. Did you review the city's discipline policy before
24 firing him?

25 A. No.

1 Q. Were there any people you talked to for advice or a
2 second opinion to assist in the decision to fire
3 Misane?

4 A. I cannot answer that question.

5 Q. You cannot answer that question?

6 MR. GILLOOLY: Because it was the city -- you
7 can tell her it was the city attorney, but you cannot
8 tell her what you said with the city attorney.

9 A. Okay.

10 BY MS. MALHIOT:

11 Q. I'm not asking for the contents of those discussions,
12 but who were those discussions with?

13 A. Attorney Scott Graham.

14 Q. Okay. Was there anyone else you consulted with to
15 assist you in making the decision to fire Misane?

16 A. No.

17 Q. All right. And you talked to Mr. Graham in his
18 capacity as a city attorney?

19 A. Yes.

20 Q. And seeking his advice and counsel as an attorney?

21 A. Yes.

22 Q. Okay. And you relied -- whatever that information was,
23 I don't want to know what he said, but whatever he
24 said, that was advice that you used in -- to assist you
25 in making your decision to fire Misane?

1 **A. Yes.**

2 Q. So ultimately, as the decision-maker, what was the
3 reason for Misane being terminated from his employment
4 with the city?

5 **A. He was improperly storing evidence and losing the case**
6 **with the CSC.**

7 Q. I know I asked about reviewing policies. Did you
8 review Misane's personnel file in deciding to fire him?

9 **A. No.**

10 Q. Were you aware if he'd ever been disciplined before you
11 fired him?

12 **A. No.**

13 Q. Were you aware of the city having a progressive
14 discipline policy?

15 **A. Repeat that question.**

16 Q. Sure. Were you aware of the city having a progressive
17 discipline policy?

18 **A. I don't recall.**

19 Q. And you were the one who ultimately told Misane he was
20 fired, correct?

21 **A. Yes.**

22 Q. Who else was there when that happened?

23 **A. Sergeant Weber.**

24 Q. All right. Can you tell me, as best you recall,
25 everything that happened in that meeting?

- 1 A. Yes, I called him in and told him to please turn over
2 his duty weapon and he said okay. He sat down, and I
3 told him that at this time he is no longer employed
4 with the City of Bangor Police Department. And he
5 asked why. I explained to him that it was due to the
6 CSC case, which I had bullet points that I went off of
7 and showed him, and he said okay, and that was it.
- 8 Q. Nothing else happened, that you recall, in that
9 meeting?
- 10 A. That's -- yeah, and he said, can I talk to you now
11 about my sexual harassment with Tommy Simpson? And I
12 said --
- 13 Q. Did he talk to you about that --
- 14 A. Pardon me?
- 15 Q. Oh. Go on. And you said?
- 16 A. Yes, and he turned over a big, thick folder, and I
17 looked at it, and due to our policy we have 30 days to
18 return an answer or an investigation on it. I told him
19 I would contact Attorney Scott Graham to look into the
20 sexual harassment claims he was making.
- 21 Q. Okay. And did you do that?
- 22 A. Yes.
- 23 Q. Was that the first you ever heard any complaint from
24 Misane about Simpson?
- 25 A. Yes.

- 1 Q. And Simpson was already on leave because of the
2 complaint by Amanda Karr, correct?
- 3 A. **Correct.**
- 4 Q. Did Amanda Karr mention any issues between Misane and
5 Simpson when you investigated her complaint?
- 6 A. **No.**
- 7 Q. As a friend of both of them, Misane and Simpson, were
8 you aware of any issues between them?
- 9 A. **No.**
- 10 Q. Did you have any more contact with Misane after firing
11 him?
- 12 A. **Just to get his property.**
- 13 Q. Did you engage with him socially at all after that?
- 14 A. **No.**
- 15 Q. Did you text with him after that?
- 16 A. **I don't recall.**
- 17 Q. Okay. Did you talk to him any more about his complaint
18 about Tommy Simpson after that?
- 19 A. **No.**
- 20 Q. And so you were and still are friends with Tommy
21 Simpson. Did you talk to him about Amanda Karr's
22 complaint?
- 23 A. **Did I talk to who?**
- 24 Q. Simpson, did you talk to Simpson about Amanda Karr's
25 complaint?

1 A. I told him that was the reason why he is on leave.

2 And --

3 Q. Okay. Did you discuss anything beyond that?

4 A. He wanted to know the details of what she was saying.

5 I said, well, I can't disclose that, I have to talk to
6 our city attorney first.

7 Q. Okay. Were you the one to investigate her complaint?

8 A. Initially.

9 Q. Initially, okay.

10 And did you have any more discussions with
11 Tommy Simpson, beyond what you just said, that you need
12 to talk to the city attorney?

13 A. No.

14 Q. You didn't question Tommy about the substance of her
15 complaint?

16 A. No.

17 Q. Okay. Did you ever discuss it with him socially?

18 A. No.

19 Q. Did you talk to Tommy Simpson about Misane's complaint?

20 A. No.

21 Q. Not ever in any way?

22 A. I just told him there was another complaint with
23 Hothman Misane. I mean --

24 Q. And you didn't discuss anything more than that with him
25 about it?

- 1 **A.** **No.**
- 2 Q. All right. What about Jerol Williams's complaint?
- 3 **A.** **I -- the same thing. I told him there was another**
- 4 **complaint with Jerol Williams, and that was the end of**
- 5 **it. I couldn't tell him nothing.**
- 6 Q. All right. What about Tyler Sleep's complaint?
- 7 **A.** **Same -- same ordeal.**
- 8 Q. Okay. And Justin Blankenship's?
- 9 **A.** **Same ordeal.**
- 10 Q. Okay. So, as friends, you guys have never discussed
- 11 these complaints outside of work?
- 12 **A.** **No.**
- 13 Q. Were you involved in the investigation of all of those
- 14 complaints?
- 15 **A.** **I was present --**
- 16 Q. Did you do any questioning?
- 17 **A.** **-- for some.**
- 18 **No.**
- 19 Q. All right. What involvement did you have in
- 20 Mr. Williams's complaint?
- 21 **A.** **Are you talking about the first one or the second one?**
- 22 Q. Mr. Williams's first complaint.
- 23 **A.** **Oh, this -- I had total involvement in that.**
- 24 Q. Okay.
- 25 **A.** **And I referred back to the Attorney Scott Graham for**

1 what his complaint was. And what he had initially told
2 me, he turned it over to the Lord, he didn't want
3 nothing further to go with it.

4 Q. Okay. And what was -- what was that first complaint?
5 Was that the one about talking about --

6 A. Yeah, that Manager Simpson came in and told him to quit
7 flirting with the staff.

8 Q. Okay. And you turned that over to Attorney Scott
9 Graham and you had no more involvement after that
10 point?

11 A. No.

12 Q. Okay.

13 A. I mentioned it to Scott Graham and told him what Jerol
14 Williams had explained to me and that was the end of --
15 it was over.

16 Q. When was that?

17 A. I don't recall the date.

18 Q. Was it before or after the Amanda Karr complaint?

19 A. No, it was right after.

20 Q. Okay.

21 A. I mean, literally the same day.

22 Q. As the Amanda Karr complaint?

23 A. Yes.

24 Q. Okay. So before Misane was fired?

25 A. Yes.

- 1 Q. Okay. What was Mr. Williams's second complaint?
- 2 A. **Sexual harassment and racial slurs, or whatever it was.**
- 3 Q. Do you recall when that was?
- 4 A. **No, I do not.**
- 5 Q. Was it before or after Misane was fired?
- 6 A. **After.**
- 7 Q. Do you know how long after?
- 8 A. **I don't recall.**
- 9 Q. All right. What was your involvement in that
- 10 complaint?
- 11 A. **I came in, I turned it right over to Attorney Scott**
- 12 **Graham.**
- 13 Q. Okay. What about Mr. Sleep's complaint?
- 14 A. **I came in, turned it right over to Attorney Scott**
- 15 **Graham.**
- 16 Q. All right. And Mr. Blankenship's?
- 17 A. **I came in, I called Blankenship in. Me and Attorney**
- 18 **Graham tried to interview him, and Attorney Graham was**
- 19 **the one doing the interviewing and I was just**
- 20 **listening.**
- 21 Q. What did he say in the interview? Blankenship, that
- 22 is. What did Blankenship say in the interview?
- 23 A. **You have the complaint in front of you.**
- 24 Q. Okay. He didn't provide any additional detail?
- 25 A. **He just kept repeating himself, you have the complaint**

1 in front of you.

2 Q. What were the results of that, those investigations
3 into those other complaints, the ones after Amanda
4 Karr's?

5 A. Repeat the question one more time.

6 Q. Well, let's go one by one. What was the result of the
7 investigation into Misane's complaint?

8 A. Nothing.

9 Q. Okay. There was discipline issued against Simpson?

10 A. I don't recall.

11 Q. What about Mr. Williams's complaints?

12 A. Same thing. The -- I don't recall.

13 Q. Okay. What about Mr. Sleep's complaint?

14 A. I don't recall.

15 Q. Okay. Mr. Blankenship's?

16 A. His complaint, he wouldn't further speak with us, so
17 the complaint was discontinued and he never pushed it
18 any further.

19 Q. So the only complaint you're aware of that resulted in
20 any discipline was Amanda Karr's?

21 A. Yes.

22 Q. Okay. As far as you know, is Mr. Simpson still
23 employed by the city?

24 A. Yes.

25 Q. Do you know his current role?

1 **A. Manager.**

2 Q. Did you receive any other complaints about him, other
3 than the ones we've discussed?

4 **A. No.**

5 Q. After getting all of these complaints about
6 Mr. Simpson, did you, as the person responsible for
7 implementing policies, do anything to ensure that his
8 behavior changed or to prevent more complaints?

9 **A. Yes, sent him to sexual harassment training, all the
10 employees.**

11 Q. You said all the employees?

12 **A. All of them.**

13 Q. Not just Simpson, the whole workforce?

14 **A. Everybody.**

15 Q. When was that?

16 **A. I don't recall the date.**

17 Q. Did you get any more complaints after the sexual
18 harassment training?

19 **A. No.**

20 Q. All right. When did you first meet Tyler Sleep?

21 **A. I don't recall when. He was -- I know he was part-time
22 at the time he was in Bangor. I'm the one that
23 actually recommended him to be a full-time officer.**

24 Q. Did you know him before you became mayor?

25 **A. I don't recall.**

1 Q. Okay. Were you friends with him?

2 A. I wouldn't say friends. I would say acquaintance.

3 Q. Did you ever socialize with him outside of work?

4 A. No.

5 Q. All right. And you recommended that he become a
6 full-time officer?

7 A. Yes.

8 Q. Why did you recommend that?

9 A. Because he was good at doing traffic stops, catching
10 speeders, and dealing with the public.

11 Q. All right. So would you say you had a favorable
12 impression of his work as a police officer?

13 A. Repeat the question.

14 Q. So would you say you had a favorable impression of his
15 work as a police officer?

16 A. Yes.

17 Q. All right. And that continued after he became
18 full-time?

19 A. Yes.

20 Q. Okay. And to the extent that you're familiar or know
21 about his work, do you have any complaints about his
22 work as a police officer?

23 A. There at the end he got real lazy, was getting caught
24 sleeping in the cemetery and at the school, not doing
25 his job, and being real belligerent with dispatch.

1 Q. Were you involved in any discipline against Officer
2 Sleep?

3 A. No.

4 Q. Are you aware of him being disciplined ever?

5 A. I don't recall.

6 Q. Have you had any contact with Officer Sleep since he
7 left his employment with the City of Bangor?

8 A. No.

9 Q. Okay. What about Jerol Williams, do you recall when
10 you first met him?

11 A. I don't recall exactly when.

12 Q. Was it before you were mayor?

13 A. No.

14 Q. Okay. So when -- you didn't meet him until you were
15 mayor of the city?

16 A. Absolutely.

17 Q. Was he an officer when you met him?

18 A. Yes.

19 Q. Did you ever interact with him socially outside of
20 work?

21 A. Yes.

22 Q. All right. How often?

23 A. I would see him at the gas station or Hardy's and stuff
24 like that.

25 Q. Okay. So if you saw him around town, you'd interact?

1 **A. Yes, yeah.**

2 Q. Okay. Did you ever have planned social meetings with
3 him, go out to dinner, hang out at your house, things
4 like that?

5 **A. No.**

6 Q. What was your impression of him as a police officer?

7 **A. I really didn't get to see much of his work because he**
8 **was at -- he was working nights.**

9 Q. Were you ever made aware of any issues with him as a
10 police officer?

11 **A. I was told that he was lazy.**

12 Q. Who told you that?

13 **A. Juan Mata and Chief Simpson at the time.**

14 Q. Did they explain what they meant when they said he's
15 lazy?

16 **A. He's not making traffic stops. Just -- he's not**
17 **getting -- I mean, because any company has got to have**
18 **a minimum of what they want to bring in a day or a**
19 **week, and he just wasn't doing it.**

20 Q. Okay. Did you do anything about that?

21 **A. No.**

22 Q. Any other impression about his work as a police
23 officer?

24 **A. He was a good people person.**

25 Q. Anything else?

1 **A. No.**

2 Q. Were you ever involved in any discipline of Officer
3 Williams?

4 **A. No.**

5 Q. Were you ever aware of any discipline issues with
6 Officer Williams?

7 **A. No.**

8 MS. MALHIOT: I have no more questions at
9 this time. Thank you.

10 MR. BOGREN: Can we take a quick five minutes
11 so I can check my notes?

12 MS. MALHIOT: Yes. Yep.

13 MR. BOGREN: I appreciate it.

14 MR. GILLOOLY: Yes, please. Thank you.

15 (An off-the-record
16 break was held)

17 EXAMINATION BY MR. BOGREN:

18 Q. Okay. Mr. Williams, my name is Charles Bogren. I
19 represent Tommy Simpson in this case. I just have a
20 couple of questions for you.

21 So you testified a little earlier that with
22 Hothman Misane, his termination, that, at the time,
23 Tommy Simpson was on leave, correct?

24 **A. Administrative leave.**

25 Q. I'm sorry. I didn't hear you.

1 **A. Administrative leave.**

2 Q. Thank you. Okay. It was a little quiet on my end.

3 Now, maybe you can help me understand
4 something, because my understanding based on the city
5 attorney's report was that Mr. Simpson had removed
6 himself from this in order to avoid a conflict of
7 interest between the city manager and police chief when
8 it came to the firing of Mr. Misane?

9 **A. Yeah, I told him he could work at home from -- but I**
10 **did not want him in the city business, period.**

11 Q. Okay. So when you say he was placed on leave, does
12 that mean you just asked him not to be present for
13 this?

14 **A. Yes.**

15 Q. Okay. So there was no formal process with HR, or
16 anything like that, placing him on leave?

17 **A. No.**

18 MR. BOGREN: Yeah, I think that's all I need
19 to clarify. I appreciate it. No further questions.

20 MR. GILLOOLY: Thank you. I don't have any
21 questions.

22 MS. MALHIOT: I have just a few to follow up
23 on Mr. Bogren's questions.

24 RE-EXAMINATION BY MS. MALHIOT:

25 Q. So at the time this happened, was Tommy Simpson allowed

1 to be doing work for the city?

2 **A. Yes, from his -- from his home.**

3 Q. Okay. So it was a leave just from physically being in
4 the building, not a leave from working?

5 **A. Right.**

6 Q. Okay. And was he doing work from home during that
7 time?

8 **A. Yes.**

9 Q. Okay. And you said before that you were acting city
10 manager during that time?

11 **A. Yes.**

12 Q. Was Mr. Simpson also acting as city manager, at the
13 same time, from home?

14 **A. Everybody was referring to me for the day-to-day
15 because I kept him out of it. He was following up on
16 grants and stuff like that.**

17 Q. So your city manager duties were divided between the
18 two of you?

19 **A. If that's what you want to call it.**

20 Q. I'm asking you. He was working on grants at home?

21 **A. Yes.**

22 Q. Was he doing any other type of work at home?

23 **A. That would have to be a question to him.**

24 Q. All right. Are you aware of him doing any other type
25 of work at home?

1 **A. No.**

2 Q. Did you assume all of the city manager duties during
3 that time, other than working on grants?

4 **A. Yes.**

5 Q. If there hadn't been a potential conflict of interest,
6 would you still have been the one to hire (sic) -- the
7 firing of Misane?

8 **A. Repeat the question.**

9 Q. Yeah, and I apologize. It probably wasn't clear.
10 Mr. Bogren alluded to a conflict of interest that
11 Mr. Simpson had, correct? A conflict of interest
12 when --

13 **A. Yes.**

14 Q. All right. And what was that conflict, as far as you
15 understand it?

16 **A. There to -- I don't -- I don't recall the question.**

17 Q. If Mr. Simpson had not been on leave at the time, would
18 there still have been a conflict?

19 **A. Yes, because the sexual harassment was against him.**

20 Q. Okay. For the decision to fire Mr. Misane, did Simpson
21 have a conflict?

22 **A. I don't understand your question.**

23 Q. If Mr. Simpson hadn't been on leave at the time, would
24 he have been the one to handle the firing of Misane?

25 **A. Yes, I would say so. He was the one running the**

1 day-to-day operations.

2 Q. Okay. So the reason that he didn't handle the firing
3 of Misane and it fell to you was because Mr. Simpson
4 was on leave due to the sexual harassment complaint?

5 A. With Amanda Karr, yes.

6 Q. With Amanda Karr, yes.

7 MS. MALHIOT: Okay. Thank you. I just
8 wanted to clarify that. I have no further questions.

9 (Deposition concluded at 11:07 p.m.)

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CERTIFICATE OF NOTARY

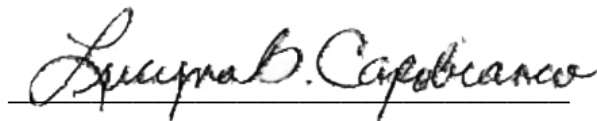
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STATE OF MICHIGAN)

) SS

COUNTY OF MACOMB)

I, Lucy Capobianco, Certified Shorthand Reporter, a
Notary Public in and for the above county and state, do
hereby certify that the above examination under oath
was taken before me at the time and place hereinbefore
set forth; that the witness was by me first duly sworn
to testify to the truth, and nothing but the truth,
that the foregoing questions asked and answers made by
the witness were duly recorded by me stenographically
and reduced to computer transcription; that this is a
true, full and correct transcript of my stenographic
notes so taken; and that I am not related to, nor of
counsel to either party nor interested in the event of
this cause.



Lucy Capobianco CSR3061

Notary Public,

Macomb County, Michigan

My Commission expires: January 20, 2027

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